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EXAMINER

MONFELDT, SARAH M

ART UNIT	PAPER NUMBER
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3692

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/567,431	Applicant(s) BARTHELEMY, SERGE	
	Examiner SARAH M. MONFELDT	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION
Status of Claims

1. This action is in reply to the Amendment/Response/RCE filed on 30 October 2008.
2. Claims 1-5, 7-25 were amended.
3. Claims 1-5, 7-25 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 October 2008 has been entered.

Response to Amendment

5. The objection of claims 1-2, 5, 19 has been withdrawn in view of Applicants amendments.
6. The rejection of claims 1-5, 7-25 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been withdrawn in view of Applicants amendments.

Claim Objections

7. Claim 8 is objected to because of the following informalities: Claim 8 recites "The system of claim "The system of claim 5", claim 5 is directed to a method and therefore claim 8 should recite "the method of claim 5". Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2002/0065774) in view of Gallagher et al. (US 2004/0111367).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1 –

As per claim 1, Young et al., at least at Figs. 4-5; paragraphs [0070]-[0086], disclose *a method for executing financial transactions through a wireless telephony network* having the limitations of:

- *sending a payment from a payer's mobile telephony communication device via said wireless telephony network to a transaction processing platform connected to said wireless telephony network;*
- *crediting said payment to an account of a payee;*

Young et al. do not explicitly disclose:

- *sending a request for approval of said payment from said transaction processing platform via said wireless telephony network to a mobile telephony communication device of the payee when said payment to the payee is initiated by the payer.*

Gallagher et al. teach *sending a request for approval of said payment from said transaction processing platform via said wireless telephony network to a mobile telephony communication device of the payee when said payment to the payee is initiated by the payer* (see at least paragraphs [0024]; [0030]-[0032]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. to include allowing the payee to accept or reject the "send money" transaction as taught by Gallagher et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in this way since the payee is provided with a web page or other online document that allows the payee to accept or reject the "sent money" transaction (see at least paragraph [0032] of Gallagher et al.).

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Claim 2 –

Young et al. in view of Gallagher et al. teach the method of claim 1 as described above. Gallagher et al., at least at paragraph [0032], further discloses *a method for executing transactions in a method that enables financial transactions through a wireless communication network* having the limitations of:

- *further comprising validating the approval or a rejection of said payment by the payee by inputting authentication data selected from the group consisting of a password, finger print authentication, voice authentication, and face authentication.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 1.

Claim 3 –

Young et al. in view of Gallagher et al. teach the method of claim 2 as described above. Gallagher et al., at least at paragraph [0032], further discloses a method for executing transactions in a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein a decision to approve or reject said payment is sent to said transaction processing platform through the wireless telephony network in a data file containing a digital signature of the content of the file.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 1.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Gallagher et al. as applied to claims 1-3 above, and further in view of Grunbok, Jr. et al. (US 6305603).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 4 –

As per claim 4, Young et al. in view of Gallagher et al. teaches the method of claim 3 as described above. Gallagher et al. do not explicitly disclose the following limitations:

- *wherein the data file is encrypted before being sent.*

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Grunbok, Jr. et al. teach *wherein the data file is encrypted before being sent* (see at least col. 4, ll. 31-34; col. 5, ll. 3-5, 51-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Gallagher et al. to include encryption of information as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Gallagher et al. in this way since encryption can be used to assure security (see at least col. 5, ll. 6-7 of Grunbok, Jr. et al.).

12. Claims 5, 7-8, 11, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2002/0065774) in view of Liu et al. (US 2003/0101134).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 5 –

As per claim 5, Young et al., at least at Figs. 4-5; paragraphs [0070]-[0086], disclose *a method for executing financial transactions through a wireless telephony network* having the limitations of:

- *sending a payment from a mobile telephony communication device via said wireless telephony network to a transaction processing platform connected to said wireless telephony network;*
- *crediting said payment to an account associated with a mobile telephone communication device of a subscriber of a financial transaction service provided through said transaction platform;*
- *establishing by said subscriber at least one special list of transaction accounts associated with said account of said subscriber;*

Young et al. do not explicitly disclose:

- *implementing at least one rule for handling payments associated with the subscriber's account that are processed through said transaction processing platform.*

Liu et al. teach *implementing at least one rule for handling payments associated with the subscriber's account that are processed through said transaction processing platform* (see at least paragraphs [0011]; [0021]-[0023]; [0025]-[0027]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. to include "trusted transaction" approval systems as taught by Liu et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in this way since if the trusted transaction feature is elected, the approval process will take advantage of this added security measure (see at least paragraph [0025] of Liu et al.).

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Claim 7 –

As per claim 7, Young et al. in view of Liu et al. teaches the method of claim 5 as described above. Liu et al., at least at paragraphs [0022]-[0024]; Fig. 2, further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule is checked and implemented by said transaction processing platform.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

Claim 8 –

As per claim 8, Young et al. in view of Liu et al. teaches the method of claim 5 as described above. Liu et al., at least at paragraph [0023], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule is checked and implemented by at least one of a mobile handset, a connectable electronic device and a Subscriber Identity Module.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

Claim 11 –

As per claim 11, Young et al. in view of Liu et al. teaches the method of claim 7 as described above. Liu et al., at least at paragraphs [0024]; [0033], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein all existing special lists in a system executing the financial transactions are stored in a database or in files managed and/or interfaced with said transaction processing platform.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

Claim 13 –

As per claim 13, Young et al. in view of Liu et al. teaches the method of claim 7 as described above. Liu et al., at least at paragraphs [0022]; [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

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- *wherein the at least one rule defining the at least one special list is: no transaction allowed with accounts included in this special list.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

Claim 14 –

As per claim 14, Young et al. in view of Liu et al. teaches the method of claim 7 as described above. Liu et al., at least at paragraph [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is: no request for approval required in a payer-initialed payment transaction if an account of a payer is included in the at least one special list.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

Claim 15 –

As per claim 15, Young et al. in view of Liu et al. teaches the method of claim 7 as described above. Liu et al., at least at paragraph [0022], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is: only payer-initiated payments from accounts included in the at least one special list shall be rejected.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

Claim 16 –

As per claim 16, Young et al. in view of Liu et al. teaches the method of claim 7 as described above. Liu et al., at least at paragraph [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is: no payer-initiated payment transaction shall be sent to accounts included in the at least one special list.*

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The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

Claim 17 –

As per claim 17, Young et al. in view of Liu et al. teaches the method of claim 7 as described above. Liu et al., at least at paragraph [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is: no payment request from accounts included in the at least one special list shall be accepted.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

Claim 18 –

As per claim 18, Young et al. in view of Liu et al. teaches the method of claim 7 as described above. Liu et al., at least at paragraphs [0024]; [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is a combination of at least two rules sets.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

13. Claims 9, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Liu et al. as applied to claims 5, 7-8, 11, 13-18 above, and further in view of Shore (US 2003/149662).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 9 –

As per claim 9, Young et al. in view of Liu et al. teaches the method of claim 5 as described above. Young et al. in view of Liu et al. do not explicitly disclose the following limitations:

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- *wherein said subscriber removes from the at least one special list or adds to the at least one special list one or more accounts directly from a mobile telephony communication device of said subscriber, or by internet.*

Shore teach *wherein said subscriber removes from the at least one special list or adds to the at least one special list one or more accounts directly from a mobile telephony communication device of said subscriber, or by internet* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Liu et al. to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Liu et al. in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account number when making a transaction (see at least paragraph [0063] of Shore).

Claim 10 –

As per claim 10, Young et al. in view of Liu et al. teaches the method of claim 5 as described above. Young et al. in view of Liu et al. do not explicitly disclose the following limitations:

- *wherein said subscriber includes in the at least one special list all other financial transaction accounts that exist in a system executing the financial transactions.*

Shore teach *wherein said subscriber includes in the at least one special list all other financial transaction accounts that exist in a method executing the financial transactions* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Liu et al. in view of Adam et al. to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Liu et al. in view of Adam et al. in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

Claim 12 –

As per claim 12, Young et al. in view of Liu et al. teaches the method of claim 5 as described above. Young et al. in view of Liu et al. do not explicitly disclose the following limitations:

- *wherein the at least one special lists of said subscriber are stored in part or in totality in a memory of a mobile telephony communication device of said subscriber, and/or stored in the memory of a Subscriber Identity Module.*

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Shore teach *wherein the at least one special lists of said subscriber are stored in part or in totality in a memory of a mobile telephony communication device of said subscriber, and/or stored in the memory of a Subscriber Identity Module* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Liu et al. in view of Adam et al. to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Liu et al. in view of Adam et al. in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

14. Claims 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2002/0065774) in view of Maes (WO 99/08238).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 19 –

As per claim 19, Young et al., at least at Figs. 4-5; paragraphs [0070]-[0086], disclose *a method for executing transactions through a wireless telephony network* having the limitations of:

- *sending a payment identified by a financial transaction account number of a first subscriber from a mobile telephony communication device of said first subscriber via said wireless telephony network to a transaction processing platform connected to said wireless telephony network;*
- *crediting said payment to an account associated with a mobile telephony communication device of a second subscriber of a financial transaction service provided through said transaction processing platform; and*

Young et al. do not explicitly disclose:

- *reading automatically said financial transaction account number of said first subscriber in a wireless manner outside of said wireless telephony network by said second subscriber with an automatic reading method and/or device.*

Maes teach *reading automatically said financial transaction account number of said first subscriber in a wireless manner outside of said wireless telephony network by said second subscriber with an automatic reading method and/or device* (see at least pg. 19, l. 6 through pg. 20, l. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. to

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include direct communication, i.e. IR communication, instead of physically exchanging the Universal Card as taught by Maes. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in this way since IR communication is a direct procedure compared to physically exchanging the universal card (see at least pg. 19, ll. 20-22 of Maes).

15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Maes in view of as applied to claims 19 above, and further in view of Hawkes (Designing Secure Systems, IEE Colloquium on).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 20 –

As per claim 20, Young et al. in view of Maes teaches the method of claim 19 as described above. Young et al. in view of Maes do not explicitly teach the following limitations:

- *wherein said financial transaction account number is printed in a barcode format on a card.*

Hawkes teaches *wherein said financial transaction account number is printed in a barcode format on a card* (see at least page 6/1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes to include a barcoded card as taught by Hawkes. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes in this way since a barcoded card is an alternative for a magnetic strip card or a smart card used in financial transactions (see at least page 6/1, paragraph 4 of Hawkes).

16. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Maes as applied to claims 19 above, and further in view of Um (WO 03/023674).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 21 –

As per claim 21, Young et al. in view of Maes teaches the method of claim 19 as described above. Young et al. in view of Maes do not explicitly teach the following limitations:

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- *wherein said financial transaction account number is printed in a barcode format on a sticker affixed on a mobile handset or a connectable electronic device.*

Um teaches *wherein said financial transaction account number is printed in a barcode format on a sticker affixed on a mobile handset or a connectable electronic device* (see at least page 6/1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes to include a barcoded mobile phone as taught by Um. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes in this way since a barcoded mobile phone enables a credit card payment using a mobile phone device, without the need to carry any credit cards (see at least page 4, lines 6-9 of Um).

17. Claims 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Maes as applied to claims 19 above, and further in view of Gurnbok, Jr. et al. (US 6305603).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 22 –

As per claim 22, Young et al. in view of Maes teaches the method of claim 19 as described above. Young et al. in view of Maes do not explicitly teach the following limitations:

- *wherein said financial transaction account number is sent to a mobile handset or connectable electronic device of said second subscriber through an infrared interface.*

Grunbok, Jr. et al. teach *wherein said financial transaction account number is sent to a mobile handset or connectable electronic device of said second subscriber through an infrared interface* (see at least col. 3, ll. 15-25; 45-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes to include a PDA and POS with infrared capabilities as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes in this way since PDA and POS wireless interaction allows for convenient financial transactions and financial account access with immediate account updates via the PDA (see at least col. 1, ll. 7-12 of Grunbok, Jr. et al.).

Claim 25 –

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As per claim 25, Young et al. in view of Maes teaches the method of claim 19 as described above. Young et al. in view of Maes do not explicitly teach the following limitations:

- *wherein said financial transaction account number is sent to a mobile handset or connectable device of a second subscriber through a short range radio interface.*

Grunbok, Jr. et al. teach wherein said financial transaction account number is sent to a mobile handset or connectable device of a second subscriber through a short range radio interface (see at least col. 3, ll. 15-25; 45-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes to include a PDA and POS with infrared capabilities as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes in this way since PDA and POS wireless interaction allows for convenient financial transactions and financial account access with immediate account updates via the PDA (see at least col. 1, ll. 7-12 of Grunbok, Jr. et al.).

18. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Maes as applied to claims 19 above, and further in view of Shore (US 2003/149662).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 23 –

As per claim 23, Young et al. in view of Maes teaches the method of claim 19 as described above. Young et al. in view of Maes do not explicitly teach the following limitations:

- *wherein said financial transaction account number is stored in a contactless electronic microcircuit, and is read by a contactless reader.*

Shore teach *wherein said financial transaction account number is stored in a contactless electronic microcircuit, and is read by a contactless reader* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

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Claim 24 –

As per claim 24, Young et al. in view of Maes teaches the method of claim 19 as described above. Young et al. in view of Maes do not explicitly teach the following limitations:

- *wherein said financial transaction account number is stored in a Subscriber Identity Module which has a contactless Interface that is read by a contactless reader.*

Shore teach *wherein said financial transaction account number is stored in a Subscriber Identity Module which has a contactless Interface that is read by a contactless reader* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

Response to Arguments

19. Applicant's arguments with respect to claims 1-5, 7-25 have been considered but are moot in view of the new ground(s) of rejection.

20. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transferring money from one wireless phone account to another wireless phone account; telephone communication protocol) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH M. MONFELDT whose telephone number is (571)270-1833. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (EST) ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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